

**REPORT OF THE AUDIT OF THE  
FLEMING COUNTY  
SHERIFF**

**For The Year Ended  
December 31, 2009**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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## **EXECUTIVE SUMMARY**

### **AUDIT EXAMINATION OF THE FLEMING COUNTY SHERIFF**

**For The Year Ended  
December 31, 2009**

The Auditor of Public Accounts has completed the Fleming County Sheriff's audit for the year ended December 31, 2009. Based upon the audit work performed, the financial statement presents fairly, in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

#### **Financial Condition:**

Excess fees decreased by \$2,312 from the prior year, resulting in excess fees of \$413 as of December 31, 2009. Revenues increased by \$47,178 from the prior year and expenditures increased by \$49,490.

#### **Debt Obligations:**

Capital lease principal agreements totaled \$24,072 as of December 31, 2009. Future principal and interest payments of \$27,472 are needed to meet these obligations.

#### **Report Comment:**

- The Sheriff's Office Lacks Adequate Segregation Of Duties

#### **Deposits:**

The Sheriff's deposits were insured and collateralized by bank securities.



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**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Larry Foxworthy, Fleming County Judge/Executive  
The Honorable Scotty Royse, Fleming County Sheriff  
Members of the Fleming County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the Sheriff of Fleming County, Kentucky, for the year ended December 31, 2009. This financial statement is the responsibility of the Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the Sheriff for the year ended December 31, 2009, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated June 29, 2010 on our consideration of the Fleming County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Larry Foxworthy, Fleming County Judge/Executive  
The Honorable Scotty Royse, Fleming County Sheriff  
Members of the Fleming County Fiscal Court

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff's Office Lacks Adequate Segregation Of Duties

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Fleming County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these interested parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

June 29, 2010



FLEMING COUNTY  
SCOTTY ROYSE, SHERIFF  
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2009

Revenues

Federal Grants		\$	38,393
State - Kentucky Law Enforcement Foundation Program Fund			30,454
State Fees For Services:			
Finance and Administration Cabinet	\$	12,787	
Sheriff Security Service		<u>8,057</u>	20,844
Circuit Court Clerk:			
Fines and Fees Collected			8,994
Fiscal Court			92,571
County Clerk - Delinquent Taxes			775
Commission On Taxes Collected			165,719
Board of Education			30,634
Fees Collected For Services:			
Auto Inspections		4,161	
Accident and Police Reports		293	
Serving Papers		33,030	
Carrying Concealed Deadly Weapon Permits		<u>4,110</u>	41,594
Other:			
D.A.R.E		334	
Transporting Prisoners		864	
Postage		2,725	
Refund from Board of Education		3,336	
10% Add On Fee		24,994	
Advertising Fee		<u>1,960</u>	34,213
Interest Earned			255

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY  
SCOTTY ROYSE, SHERIFF  
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS  
For The Year Ended December 31, 2009  
(Continued)

Revenues (Continued)

Borrowed Money:

State Advancement	\$	176,000	
Bank Note		<u>36,000</u>	<u>\$ 212,000</u>

Total Revenues 676,446

Expenditures

Operating Expenditures and Capital Outlay:

Personnel Services-

Deputies' Salaries	\$	219,596
Part-Time Salaries		19,320
Other Salaries		19,940

Employee Benefits-

Employer's Share Social Security	3,005
Worker's Compensation and Unemployment	1,202
Employer's Share Hazardous Duty Retirement	21,679
Employer Paid Health Insurance	5,535

Contracted Services-

Advertising	38
Vehicle Maintenance and Repairs	12,140
Communications	3,758

Materials and Supplies-

Office Materials and Supplies	5,141
Uniforms	4,118

Auto Expense-

Gasoline	21,149
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Other Charges-

Fiscal Court Fees	6,203	
Training	1,867	
Postage	4,541	
Utilities	4,953	
Transportation	4,400	
Miscellaneous	<u>1,814</u>	<u>360,399</u>

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY  
 SCOTTY ROYSE, SHERIFF  
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS  
 For The Year Ended December 31, 2009  
 (Continued)

Expenditures (Continued)

Operating Expenditures and Capital Outlay: (Continued)

Capital Outlay-			
Office Equipment	\$	10,090	
Vehicles		<u>18,081</u>	\$ 28,171
Debt Service:			
State Advancement		176,000	
Notes		36,000	
Interest		<u>493</u>	<u>212,493</u>
Total Expenditures			<u>\$ 601,063</u>
Net Revenues			75,383
Less: Statutory Maximum			<u>72,324</u>
Excess Fees			3,059
Less: Training Incentive Benefit			<u>2,646</u>
Excess Fees Due County for 2009			413
Payment to Fiscal Court - June 3, 2009			<u>413</u>
Balance Due Fiscal Court at Completion of Audit			<u>\$ 0</u>

The accompanying notes are an integral part of this financial statement.

FLEMING COUNTY  
NOTES TO FINANCIAL STATEMENT

December 31, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the Sheriff as determined by the audit. KRS 134.310 requires the Sheriff to settle excess fees with the fiscal court at the time he files his final settlement with the fiscal court.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2009 services
- Reimbursements for 2009 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2009

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

FLEMING COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2009  
(Continued)

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost sharing, multiple employer defined benefit pension plan, which covers all eligible full-time employees and provides for retirement, disability and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 13.50 percent for the first six months and 16.16 percent for the last six months.

Hazardous covered employees are required to contribute 8 percent of their salary to the plan. Hazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 9 percent of their salary to be allocated as follows: 8% will go to the member's account and 1% will go to the KRS insurance fund. The county's contribution rate for hazardous employees was 29.50 percent for the first six months and 32.97 percent for the last six months.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55. For hazardous employees who begin participation on or after September 1, 2008 aspects of benefits include retirement after 25 years of service or the member is age 60, with a minimum of 60 months of service credit.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, KY 40601-6124, or by telephone at (502) 564-4646.

FLEMING COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2009  
(Continued)

Note 3. Deposits

The Fleming County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Fleming County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 4. Drug Forfeiture Account

The Sheriff's Office maintains a drug forfeiture account. This account is funded by proceeds from the confiscation, surrender, or sale of real personal property involved in a drug related conviction. The beginning balance in this account was \$1,665. The Sheriff received \$1,625 in forfeiture funds and earned \$1 in interest during the year. He expended \$2,611 on allowable expenses, leaving a balance of \$680 in the drug forfeiture account as of December 31, 2009.

Note 5. Violence Against Women Act Grant

The Fleming County Sheriff's office was awarded a Violence Against Women Act Grant from the United States Department of Justice in the amount of \$38,393. During calendar year 2009, the Sheriff's office received 38,393 as reimbursement for allowable payroll expenditures, expending all grant funding.

FLEMING COUNTY  
NOTES TO FINANCIAL STATEMENT  
December 31, 2009  
(Continued)

Note 6. Lease

On August 31, 2009, the Fleming County Fiscal Court entered into a lease agreement with the Kentucky Association of Counties Leasing Trust on behalf of the Fleming County Sheriff's Office to purchase a Ford Explorer. The lease was for \$25,210. Principal and interest payments are due by the 20<sup>th</sup> of each month and are paid by the Sheriff's office. The principal outstanding as of December 31, 2009 was \$24,072. Future principal and interest requirements are:

<u>Year Ending December 31</u>	<u>Scheduled Interest</u>	<u>Scheduled Principal</u>
2010	\$ 1,106	\$ 4,697
2011	908	4,938
2012	703	5,190
2013	485	5,456
2014	197	3,791
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Total	<u>3,400</u>	<u>24,072</u>

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND  
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Larry Foxworthy, Fleming County Judge/Executive  
The Honorable Scotty Royse, Fleming County Sheriff  
Members of the Fleming County Fiscal Court

Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Fleming County Sheriff for the year ended December 31, 2009, and have issued our report thereon dated June 29, 2010. The Sheriff's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Fleming County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we identified a certain deficiency in internal control over financial reporting, described in the accompanying comment and recommendation that we consider to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks Adequate Segregation Of Duties



Report On Internal Control Over Financial Reporting And  
On Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Fleming County Sheriff's financial statement for the year ended December 31, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

The Fleming County Sheriff's response to the finding identified in our audit is included in the accompanying comment and recommendation. We did not audit the Sheriff's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the Fleming County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

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Crit Luallen  
Auditor of Public Accounts

June 29, 2010

COMMENT AND RECOMMENDATION



FLEMING COUNTY  
SCOTTY ROYSE, SHERIFF  
COMMENT AND RECOMMENDATION

For The Year Ended December 31, 2009

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY:

The Sheriff's Office Lacks Adequate Segregation Of Duties

The Sheriff's office lacks adequate segregation of duties. The bookkeeper prepares the daily checkout sheets, prepares and makes the daily bank deposits, reconciles the bank statements to the ledgers, as well as prepares and mails all checks for expenditures. The Sheriff reviews disbursements and signs checks. Good internal controls dictate the same employee should not handle, record and reconcile receipts and disbursements. The Sheriff should segregate duties so the same employee does not handle, record, or reconcile receipts and disbursements. If a segregation of duties is not feasible, compensating controls should be implemented. The Sheriff could implement the following steps to strengthen internal controls:

- The Sheriff could periodically compare the daily bank deposit to the daily checkout sheet and then compare the daily checkout sheet to the receipts ledger. Any differences should be reconciled. This could be documented by having the Sheriff initial the bank deposit, daily checkout sheet, and receipts ledger.
- The Sheriff could reconcile monthly reports to source documents and receipts and disbursements ledgers.
- The Sheriff could periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled. This could be documented by having the reviewer initial the bank reconciliation and the balance in the checkbook.

*Sheriff's Response: We are aware of the problem, but funds don't support the hiring of additional personnel.*

